

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 757 OF 2007

Office Notes, Office Memoranda of :
coram, appearances, Court's Orders: Court's or Judge's orders
or directions and Registrar Orders:

Mr. Shaikh Nasir Masih for the
Petitioner.

Mr. P. M. Patil, A.G.P. for Respondents
No. 1 to 3.

Mr. A. J. Bhor for Respondent No. 4.

CORAM : H. L. GOKHALE, A.C.J. &
V. M. KANADE, J.

DATE : 5TH FEBRUARY 2007

P.C. :

1. Heard the counsel for the
parties.

2. Rule. Rule is made returnable
forthwith.

3. The Petitioner claims to belong
to other backward class. He has
received a certificate to that effect on
24th March 2004. Subsequently, he was
admitted to the course of Bachelor in
Physiotherapy conducted by Respondent
No. 4 college in the academic year
2006-07. He was required to get his

caste claim scrutinised.

4. The petition states that the Petitioner has been following the matter diligently, but the matter is not being finalised. Now, he fears that he may be discontinued from his education and therefore this petition has been filed.

5. We have heard the counsel for the parties. In our view, the Petitioner cannot be made to suffer for the delay on the part of Respondent No.2 Committee in finalising his caste claim. It is possible that there could be good amount of pressure of work, but at the same time, the fact remains that the Petitioner has received the caste certificate way back in March 2005. His claim for scrutiny is pending for quite some time. This being the position, we direct that the Committee will scrutinise the Petitioner's claim expeditiously. The Petitioner assures that he and his father and whoever are the family members, if required, will attend before the Committee regularly. The Petitioner will attend before the Committee on 26th February 2007 at about

11.00 a.m. and will not give any cause of any complaint for not remaining present whenever required. We expect the Committee to decide the claim within 3 months thereafter. In the meanwhile, the Petitioner will not be discontinued from his education nor he will be discontinued for a further period of 8 weeks in the event the decision is rendered against the Petitioner.

6. Rule is made absolute as above.

ACG. CHIEF JUSTICE

V.M. KANADE, J.